

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
VICTOR COYOTL CUAYA, *on behalf of himself*, :
FLSA Collective Plaintiffs, and the Class, :

Plaintiff, :

-v- :

VI DEVELOPMENT GROUP, LLC *d/b/a* :
BREAD & BUTTER, *et al.*, :

Defendants. :
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ORDER

19-CV-4290 (JLC)

JAMES L. COTT, United States Magistrate Judge.

In a Memorandum Order dated September 10, 2020, the Court granted in part plaintiff's motion for conditional collective action and directed the parties to submit revised notice and consent forms (the "Notice"), consistent with the Memorandum Order, for the Court's approval. Dkt. No. 98. The parties thereafter submitted a revised Notice on September 25, 2020, one day past the court-imposed deadline. The Notice contains several deficiencies that the parties must correct.

As set forth in the Memorandum Order, the parties were directed to set apart the contact information for plaintiff's attorney from the contact information for defense counsel by creating a separate section for each. Dkt. No. 98 at 27–28. However, the Notice lists the contact information for both parties' attorneys in the same section. Moreover, the parties failed to include the following language in the Notice, as required by the Memorandum Order: **If you decide to join this case, you should not contact the defendants' lawyer but instead rely on your**

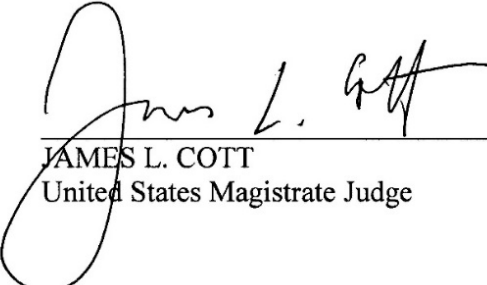
counsel to do so. *Id.* at 28. Accordingly, the parties are directed to remedy these deficiencies by creating a new subheading (e.g., “Counsel for Defendants”) under which they should list defense counsel’s contact information and the above-referenced language.

For clarity purposes, the parties are also instructed to spell out “NYLL” as “New York Labor Law” when that acronym is first referenced in the Notice, and to add the term “kitchen” to the first sentence under the section entitled “Your Legal Rights” so that the revised sentence reads as follows: “If you worked for Defendants as **a kitchen** employee at any time”

The parties should submit an amended Notice consistent with this Order **no later than October 2, 2020** for the Court’s approval.

SO ORDERED.

Dated: September 28, 2020
New York, New York



JAMES L. COTT
United States Magistrate Judge